

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Thomas A. Harris, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Deputy Clerk.

F029487 People v. Lyons

Cause called and argued by Oliver Northup, Esq., counsel for appellant. Anthony L. Dicce, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Stone (W.A.), J. to act as Presiding Justice in his absence and leaves the bench with Vartabedian, J.; they are replaced by Stone (W.A.), J. and Buckley, J.

F029670 People v. Reyes

Cause called and argued by Deborah R. Schulte, Esq., counsel for appellant and by Tiffany S. Shultz, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Buckley, J. leaves the bench and is replaced by Levy, J.

F030483 People v. January

Cause called and argued by Oliver Northup, Esq., counsel for appellant and by Craig Meyers, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Harris, J. and Levy, J. leave the bench; they are replaced by Dibiaso, J. and Thaxter, J.

IN THE

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F028698 People v. Hernandez

Cause called and argued by Susan Stackhouse, Esq., counsel for appellant. Robert P. Whitlock, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Stone (W.A.), Acting P.J. directs Vartabedian, J. to act as Presiding Justice in his absence and leaves the bench with Dibiaso, J.; they are replaced by Vartabedian, J. and Wiseman, J.

F030247 People v. Ballew

Cause called. Bradley A. Bristow, Esq., Central California Appellate Program, counsel for appellant present. No argument by Bradley A. Bristow on behalf of appellant. Christine Levin, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F029888 People v. Valdovinos

Cause called and argued by James F. Wilson, Esq., counsel for appellant. Wanda Hill Rouzan, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

The court reconvened in its courtroom at 1:45 P.M. Present: Honorable William A. Stone, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Deputy Clerk.

F029709 In the Marriage of Kuhach

Cause called and argued by John Steven West, Esq., counsel for appellant and by Arthur E. Schwimmer, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, February 9, 1999 at 10:00 A.M.

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F031401 In re Roger S., a Minor

The dispositional order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F029291 People v. Alvarez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029381 People v. Hernandez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029253 People v. Cross

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F030033 People v. Slade

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029759 People v. Moore

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F029533 People v. Castillo

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F032320 Aretha F. v. Superior Court of Kings County; Kings County Human Services Agency

The mother's petition is denied.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F032571 In re Marriage of Charles M. and Marilyn M. Boornazian

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F030025 People v. Dermer

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F030689 People v. Gutierrez

The judgment is affirmed.

By the Court.

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F029333 People v. Ward

The judgment (order of dismissal) is reversed. On remand, the court shall set a reasonable briefing schedule if defendant requests, within 30 days after issuance of the remittitur herein, the opportunity to renew his suppression motion on the grounds stated above. If the suppression motion is denied, or if defendant declines to renew his motion, the matter shall proceed to trial or other appropriate disposition.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027829 People v. Hawkins

The judgment is affirmed. Harris, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F028474 People v. Pratt

The convictions on counts II and III are reversed and those counts are ordered dismissed. Appellant's sentence is modified to the term of 25 years to life in count I, with two consecutive one-year terms for the two Penal Code section 667.5, subdivision (b) enhancements, for an aggregate term of 27 years to life to be served consecutively to the 23-year determinate term otherwise currently being served by appellant. As modified, the judgment is affirmed. The trial court shall amend the abstract of judgment accordingly and forward a certified copy of the amended abstract to the Department of Corrections. Harris, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F027845 People v. Mosqueda

F030305 In re IVAN CESAR MOSQUEDA On Habeas Corpus

The matter is remanded to the superior court for determination whether appellant/petitioner is an appropriate candidate for California Youth Authority housing. In all other respects the judgment is affirmed.

The petition for writ of habeas corpus is denied. Harris, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027118 Central Green Company v. The Ponderosa Telephone Co.

The judgment is affirmed with regard to the installation of the 1980 and 199f cables under the 1979 easement. That portion of the judgment relating to the 1970 cable is vacated and dismissed.

Stone (W.A.), Acting P.J.

We concur: Harris, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F028029 People v. Carranza

The judgment is affirmed. Thaxter, J.

We concur: Stone (W.A.), Acting P.J.; Dibiaso, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F029291 The People v. Alvarez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F029381 The People v. Hernandez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F030862 In re Arnold H., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F031182 In re Joshua M., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029676 People v. Ridenour

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F026478 The People v. Hannah

F026479

F026480

F027394

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F029318 The People v. Gitchuway

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F030283 In re the Estate of Armando V. Osuna, Deceased

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F029644 People v. Williams

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F029844 People v. Larman

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F030339 In re Oracio A., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F028354 People v. Vytlačil

The judgment is affirmed. Buckley, J.

We concur: Stone (W.A.), Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F027864 Moua et al., v. Menezes Brothers, Inc. et al.

The judgment is affirmed. Respondents are awarded costs on appeal. Dibiaso, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]